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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,625	11/30/1999	HIROSHI OGAWA	Q56773	6506

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06/10/2002

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EXAMINER

LEE, SHUN K

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/449,625

Applicant(s)

OGAWA, HIROSHI

Examiner

Shun Lee

Art Unit

2878

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: proposed amendments to claims 23 and 24 change the scope of the claims.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1 and 3-24.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
10. ☐ Other: _____

CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

Constantine Hannaher

Continuation of 5. does NOT place the application in condition for allowance because: in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As stated in the previous office action, Van Havenbergh et al. teach that the film thickness of the coated film of the stimuable phosphor containing coating solution is from 10 to 1,000 μm (preferably 150 to 250 μm) in order to obtain a radiographic screen of desired sensitivity (column 8, lines 54-59). Therefore it would be obvious to one of ordinary skill to provide a 300 to 800 μm thick stimuable phosphor film in the method of Yanagita et al., in order to obtain a radiographic screen of desired sensitivity as taught by Van Havenbergh et al. Applicant then argues that O'Brien is incapable of teaching or suggesting a relationship between film thickness and distance between web and discharge opening. O'Brien was cited in the previous office action as teaching (column 4, lines 42-60) that "In the use of extrusion coating apparatus 10, a number of variables are critical in obtaining the high quality needed for coating photosensitive emulsions. Thus, the flow properties of the coating fluid are very important, as well as the wet coating thickness applied onto the web and the desired coating speed. The obtuse angle 64 must therefore be optimized experimentally between the aforementioned limits of 120° to 180°, depending upon the particular fluid, the wet coating thickness and coating speed. In most cases the position of the first edge 60 of the beveled drawdown surface 58 relative to the trailing edge 72 of the wetdown die 22 must also be adjusted by shifting the drawdown die along the slot axis 32 so that the upper edge 62 of the beveled surface 58 lies at a point wherein a predetermined distance (plus d or minus d, where typically d is in the range from 0 to about 0.060 inches) of a reference line B drawn perpendicular to the slot axis and coincident with the edge 72 of the wetdown die 22." Thus O'Brien teaches a relationship between film thickness and distance between web and discharge opening.